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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
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FACT SHEET

Bureau of Water Quality Planning Environmental Laboratory Services (ELS)

The State of Nevada has primacy to oversee our drinking water. As a condition of primacy the State must operate a drinking water laboratory certification program. The regulations governing primacy at 40 CFR 142.10(b)(4) require, as a condition of primary enforcement responsibility (primacy), that a state have laboratory facilities available (the Principal State Laboratory) certified by the regional administrator. In addition, the regulations governing certification (40 CFR 141.28) require that all testing for compliance purposes be performed by certified laboratories except that turbidity, free chlorine residual, temperature, pH, alkalinity, calcium, conductivity, orthophosphate, TOC, SUVA, daily chlorite, and silica may be performed by anyone acceptable to the State.

The authority to certify environmental laboratories for drinking water is granted by NRS 445A.863. Certification of laboratories for analysis of water; requirements for performance of certain analyses.

1. The State Board of Health shall provide by regulation standards for the certification of laboratories for the analysis of water pursuant to [NRS 445A.800](#) to [445A.955](#), inclusive. An analysis required pursuant to any provision of [NRS 445A.800](#) to [445A.955](#), inclusive, or required by a lender, as a condition precedent to the transfer of real property must be performed by a laboratory that is certified in accordance with the standards adopted by the State Board of Health pursuant to this subsection.
2. The certifying officer shall conduct an evaluation at the site of each laboratory to determine whether the laboratory is using the methods of analysis required by this section in an acceptable manner, applying procedures required by regulation for the control of quality and making results available in a timely manner.

3. For analyses required pursuant to [NRS 445A.800](#) to [445A.955](#), inclusive, or by a lender as a condition precedent to the transfer of real property, the methods used must comply with the Federal Act.

We perform the laboratory certification for the Health Division via an inter-agency agreement.

For the certification of waste water laboratories the authority is granted by NRS445A.428 1. The Commission shall provide by regulation standards for the certification of laboratories for the analysis of water pursuant to [NRS 445A.300](#) to [445A.730](#), inclusive. An analysis required pursuant to any provision of [NRS 445A.300](#) to [445A.730](#), inclusive, must be performed by a certified laboratory.

2. The certifying officer shall conduct an evaluation at the site of each laboratory to determine whether the laboratory is using the methods of analysis required by this section in an acceptable manner, applying procedures required by regulation for the control of quality and making results available in a timely manner.

3. For analyses required pursuant to [NRS 445A.300](#) to [445A.730](#), inclusive, the methods of analysis must comply with 40 C.F.R. Part 136.

4. A laboratory may be certified to perform analyses for the presence of one or more specified contaminants, or to perform all analyses required pursuant to [NRS 445A.300](#) to [445A.730](#), inclusive. (Added to NRS by 1995, 1584)

And for hazardous waste testing laboratories the authority is granted by NRS 445A.427, Analysis to detect hazardous waste or regulated substance to be performed by certified laboratory; exception.

1. Except as otherwise provided in subsection 2, any analysis performed to detect the presence of hazardous waste or a regulated substance in soil or water as required for the purposes of [NRS 445A.300](#) to [445A.730](#), inclusive, must be performed by a laboratory certified pursuant to the regulations adopted pursuant to [NRS 445A.425](#).

2. The provisions of subsection 1 do not apply to an analysis of waste that is managed by a facility for the management of hazardous waste.

(Added to NRS by [2003, 2113](#))

The regulation to certify laboratories for chemical and solid materials (hazardous waste) was driven by the environmental lab industry in an effort to level the playing field. Unregulated laboratories were able perform analyses as they saw fit or not. There was no way of knowing if the data being generated was of known and documented quality and legally defensible. Now that we are actually conducting inspections, we find that everyone is doing things differently and the data (that environmental decisions are based upon) is not comparable. It is our job to change that, to ensure all analyses are performed to the required standard quality.

Once ELS is recognized as an Accrediting Authority under NELAC we will be operating a dual certification program.

NELAC Accreditation will be available for in-state laboratories. The National Environmental Laboratory Accreditation Conference (NELAC) receives, reviews, and

adopts standards submitted by acceptable standards development organizations. Chapter One describes the scope of NELAC, the roles and responsibilities of the federal and state government participants, the process for standards review and adoption, and the structure of fields of accreditation.

The scope of NELAC shall encompass the necessary environmental sampling and testing to serve the needs of the States, United States Environmental Protection Agency (EPA), and other federal agencies involved in the generation and use of environmental data, where such generation or use is mandated by EPA statutes and pursuant regulations. Organizations are encouraged to use the NELAC standards for all other environmental sampling and testing.

The NAC 445A.0552 through 445A.067 describe how the certification program will be administered.

NAC445A.0608 Adopts the NELAC Standards not NELAC Laboratories.

NAC445A.0628 states that Certification by Division **or** pursuant to National Environmental Laboratory Accreditation Program. ([NRS 445A.425](#), [445A.428](#))

1. A laboratory may apply for certification by the Division or certification pursuant to the National Environmental Laboratory Accreditation Program.
2. To obtain certification by the Division, a laboratory must comply with the provisions of [NAC 445A.0552 to 445A.067](#), inclusive.
3. A laboratory that is certified by the Division may provide analytical data for an environmental sample originating in this State for each analyte for which the laboratory is certified.
4. To obtain certification pursuant to the National Environmental Laboratory Accreditation Program, a laboratory must:
 - (a) Comply with the provisions of [NAC 445A.0552 to 445A.067](#), inclusive;
 - (b) Before obtaining certification pursuant to the program and every 2 years after obtaining that certification, submit to an assessment of the laboratory conducted at the laboratory under the direction of a person who is approved pursuant to the National Environmental Laboratory Accreditation Program; and
 - (c) Specify in its application for certification at least one approved method of testing and analyte pursuant to the provisions of subsections 4 and 6 of [NAC 445A.0622](#).

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000)

NAC445A.0552 to 445A.0654 is the administrative code for the certification of laboratories by the Division or NELAC. Either way the laboratory must comply with the NAC and submit an application for certification (NAC445A.0632).